

ASHEVILLE DIVISION
1:21-CV-360-MR-WCM

Plaintiff,
v.

Defendants.

This matter is before the Court on Plaintiff's Consent Motion for Leave to Appear Via Telephone or Video Conference at Motion Hearing Set for March 3, 2023 (the "Motion for Leave," Doc. 28).

A hearing on Defendants' Motion for Judgment on the Pleadings (Doc. 20) has been scheduled for March 3, 2023 at 10:00AM.

In the Motion for Leave, Plaintiff's counsel Lydia Chastain requests leave to appear remotely at the hearing, stating in part that she has longstanding obligations that require her to stay in Atlanta the evening prior to the hearing and to return immediately following the hearing. Doc. 28 at 2.

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A hearing has been set on the Motion for Judgment on the Pleadings because the Court, after carefully reviewing the parties' briefing and applicable authorities, concluded that the parties' written arguments did not fully address issues relative to the Motion. While some judicial proceedings may, when appropriate, be conducted remotely, the Court believes a hearing on these matters will be most productive if it is conducted in person.

Further, while the Court acknowledges that Ms. Chastain's schedule may make travel difficult on the day of the hearing, Plaintiff is represented in this matter by three additional attorneys, one of whom filed Plaintiff's response in opposition to the Motion for Judgment on the Pleadings. The Motion does not explain why one of these other attorneys could not appear at the hearing, which was noticed three weeks in advance.

Under these circumstances, Plaintiff's Consent Motion for Leave to Appear Via Telephone or Video Conference at Motion Hearing Set for March 3, 2023 (Doc. 28) is, respectfully, **DENIED**.

It is so ordered.

Signed: February 22, 2023



W. Carleton Metcalf
United States Magistrate Judge

